

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EMZILE LEE WILBURN,

Plaintiff(s),

vs.

CORRECTIONAL MEDICAL SYSTEMS,

et al.,

Defendant(s).

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Case No. 4:06CV01828 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Motion to Compel Production of Documents [doc. #38], Plaintiff's Motion for Sanctions [doc. #39], and Defendants' Motion for Leave to Amend the Case Management Order [doc. #40].

The Court denies Plaintiff's Motion to Compel Production of Documents as moot. Upon review, the Court found that there was timely response by Defendants to Plaintiff's Request for Production of Documents.

The Court also denies Plaintiff's Motion for Sanctions as moot. Defendants filed a motion on November 26, 2007, requesting that the Court grant them additional time to answer or object to Plaintiff's interrogatories. The Court granted Defendants' motion in a Docket Text Order dated November 27, 2007. Plaintiff seeks sanctions for Defendants' late response, notwithstanding that the Court granted Defendants leave to file out of time. The Court granted Defendants leave to file out of time, and will not now sanction Defendants for doing so.

In his motion for sanctions, Plaintiff asserts that he was injured by Defendants' late response to his interrogatories as he was unable to file a motion for summary judgment before the November 30, 2007 deadline for dispositive motions. Defendants have filed a formal motion

asking for the Case Management Order to be amended to allow additional time for the parties to file dispositive motions. As both parties appear to desire the extension of this deadline, the Court will allow the parties to file dispositive motions no later than February 4, 2008.


Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Production of Documents [doc. #38] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Sanctions [doc. #39] is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Motion for Leave to Amend the Case Management Order [doc. #40] is **GRANTED**. The parties may file dispositive motions no later than February 4, 2008.

Dated this 4th Day of January, 2007.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE